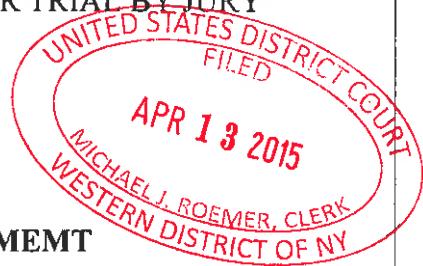


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

5 Jonathan Paul Catlin) CASE NO. _____
6 Plaintiff)
7) JUDGE: _____
8 vs.) COMPLAINT FOR VIOLATIONS OF 47
9) U.S.C. §227;
10 LTD Financial Services, LP) ACTUAL DAMAGES, STATUATORY
11 Defendant) DAMAGES and PUNITIVE DAMAGES
12)
13)
14) DEMAND FOR TRIAL BY JURY
15)

UNITED STATES DISTRICT COURT
FILED

DEMAND FOR TRIAL BY JURY



INTRODUCTION & OPENING STATEMENT

This is an action brought by Plaintiff against LTD Financial Services, LP for violations of the Telephone Consumer Protection Act, 47 USC § 227 (herein after “47 USC § 227”).

I. JURISDICTION and VENUE

1. This action arises under 47 U.S.C. §227. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331.
 2. Venue is proper because the events giving rise to Plaintiff's causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2).

II. PARTIES

4. Plaintiff, Jonathan Paul Catlin, herein after "Plaintiff", at all times relevant herein, was domiciled in the town of Naples, New York.
 5. Plaintiff is informed and believes that Defendant, LTD Financial Services, LP, herein after "Defendant", is a foreign corporation authorized to do business in New York state. Defendant's mailing address used in communication with Plaintiff is: LTD Financial Services, LP, 7322 Southwest Freeway Suite 1600, Houston, TX 77074-2053.

1
2 **PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

3 6. The plaintiff has **not** begun any other lawsuits in state or federal court dealing with the
4 same facts involved in this action.

5
6 **COUNT I**

7 **(47 U.S.C. §227; Placing calls to a personal cell phone using an automated dialer)**

8 7. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 6 above
9 and incorporates the same as if set forth in full.

10 8. From January 29 through March 5, 2014, Defendant called Plaintiff's cell phone no less
11 than 4 times. While Plaintiff has full documentation of 4 calls, he believes that Defendant likely
12 called more times during this time period, and intends to propound discovery to reveal the full
13 number of calls from Defendant to Plaintiff's cell phone.

14 9. Upon information and belief, Defendant used an automatic telephone dialing system to
15 place these calls.

16 10. Plaintiff has no contract or business relationship with Defendant, and has never given
17 Defendant express permission to call Plaintiff's cell phone.

18 11. The federal basis for this claim is 47 U.S.C. §227(b)(1)(A) and 47 U.S.C. §227(b)(3).
19 WHEREFORE, Plaintiff prays for statutory damages (\$1,500.00 per call) and punitive
20 damages against Defendant.

21
22 **SUMMARY OF RELIEF SOUGHT**

23 **WHEREFORE**, Plaintiff prays for relief against Defendant as follows:

- 24 a) For statutory damages in the amount of \$15,000.00.
25 b) For actual damages in the amount of \$4,000.00.
26 c) For punitive damages in the amount allowed by law.
27 d) Reasonable legal costs & fees, along with costs of suit.
28 e) Reasonable costs of time to pursue suit; and,
29 f) Such other relief as this Court may find to be just and proper.

30
31 **DEMAND FOR TRIAL BY JURY**

**I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.**

4 EXECUTED this 9th day of April, 2015.

Jonathan Paul Cott

Original Signature

Jonathan Paul Catlin
c/o PO Box 621
Naples, New York
cell: 208-627-3950
e-mail: myfriendsthousand@gmail.com

In Proper Person

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Exhibit A

AFFIDAVIT OF JONATHAN PAUL CATLIN

STATE OF NEW YORK)
)
) ss
COUNTY OF YATES)

Comes now, Jonathan Paul Catlin, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. Affiant has not been presented with any contract or agreement that presents Affiant and LTD Financial Services, LP (herein after LTD) as parties to said contract or agreement.
2. Affiant has never given express consent to LTD to call Affiant or Affiant's personal cell phone.
3. From January 29, 2014 through March 5, 2014, Affiant received no less than 4 calls from LTD on his personal cell phone (see attached). Affiant believes these calls to have been placed using an automatic telephone dialing system.

Further, Affiant sayeth naught.

Jonathan Paul Catlin
Jonathan Paul Catlin

3/24/15
Date

State of New York
County of Yates

Subscribed and sworn to (or affirmed) before me on this 24th day of March, 2015
By Jonathan Paul Catlin, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Barbara J. Luffman (Seal)
Notary Public

BARBARA J. LUUFFMAN
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01LU6046549
QUALIFIED IN YATES COUNTY
MY COMMISSION EXPIRES 08-14-20 13

